

H. R. 5976.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 1896.

Mr. TRELOAR introduced the following bill; which was referred to the Committee on Patents and ordered to be printed.

A BILL

To provide for the commissioner of copyrights and to revise the copyright law.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That all records and other things relating to copyrights
4 and required by law to be preserved in the Library of Con-
5 gress which have heretofore been under the control of the
6 Librarian of Congress, shall, from the date of this Act, be
7 under the control of an officer to be known and designated as
8 commissioner of copyrights, to be appointed by the President
9 and confirmed by the Senate, who shall, under the supervision
10 of the Joint Committee on the Library, perform all the
11 duties relating to copyrights which have heretofore by law
12 been imposed upon the Librarian of Congress.

1 SEC. 2. That the commissioner of copyrights shall receive
2 an annual compensation of four thousand dollars, and shall

3 give a bond, with sureties, to the Treasurer of the United
 4 States, in the sum of ten thousand dollars, for the faithful dis-
 5 charge of his duties, and with the condition that he will
 6 render annually to the proper officers of the Treasury a true
 7 account of all moneys received by virtue of his office.

1 SEC. 3. That in addition to the commissioner of copy-
 2 rights there shall be in the copyright office one assistant
 3 commissioner of copyrights, one law clerk, one bookkeeper,
 4 one chief clerk in the administration division, one chief clerk
 5 in the division of correspondence, one chief clerk in the
 6 division of records, one chief clerk in the division of files, one
 7 chief clerk in the index division, one chief clerk in the divi-
 8 sion of publication, who shall be appointed by the President
 9 and confirmed by the Senate; and there shall also be em-
 10 ployed in the copyright department twenty-five clerks and
 11 two messengers, who shall be appointed by the commissioner
 12 of copyrights.

1 SEC. 4. That the annual salaries of the officers, clerks,
 2 and messengers named in section three shall be as follows:
 3 The assistant commissioner of copyrights, two thousand five
 4 hundred dollars; the law clerk, two thousand two hundred
 5 and fifty dollars; the bookkeeper and the six chief clerks of
 6 division, each, one thousand eight hundred dollars; three
 7 clerks, one thousand four hundred dollars each; ten clerks,
 8 each one thousand two hundred dollars; six clerks, each

9 one thousand dollars; six clerks, each nine hundred dollars;
10 one messenger, seven hundred and twenty dollars; one mes-
11 senger, six hundred dollars; and for the expenditure herein
12 proposed the sum of fifty thousand two hundred and seventy
13 dollars is hereby appropriated, out of any money in the
14 Treasury not otherwise appropriated.

1 SEC. 5. That the commissioner of copyrights shall
2 deposit in the Treasury of the United States all moneys
3 received for copyrights, or from other sources, as often as the
4 Secretary of the Treasury shall direct.

1 SEC. 6. That the commissioner of copyrights shall
2 make an annual report to Congress of the number and descrip-
3 tion of copyright publications for which entries have been
4 made and certificates of copyright granted since his last report.

1 SEC. 7. That the official seal of the copyright depart-
2 ment shall be of such pattern and design as the commissioner
3 shall designate, and shall contain the following words, namely:
4 "Commissioner of copyrights, United States of America;"
5 and by this seal all records and papers issued from the office
6 of the commissioner of copyrights shall be authenticated.

1 SEC. 8. That the author, inventor, designer, or propri-
2 etor of any book, periodical, map, chart, dramatic or musical
3 composition, engraving, cut, print, lithograph, photograph, or
4 negative thereof, or of a painting, drawing, chromo, statuary,
5 and models or designs intended to be perfected as works of

6 the fine arts, and the executors, administrators, or assigns of
 7 any such person, shall, upon complying with the provisions of
 8 this law, have the sole liberty of printing, reprinting, pub-
 9 lishing, completing, copying, executing, finishing, and vend-
 10 ing the same, and, in the case of a dramatic, musical, or
 11 literary composition, of publicly performing or representing
 12 it, or causing it to be performed or represented by others.
 13 And authors or their assigns shall have exclusive right to
 14 dramatize or translate any of their works for which copyright
 15 shall have been obtained under the laws of the United States
 16 of America.

1 SEC. 9. That certificates of copyright issued on or after
 2 date of this Act shall be granted for a term of forty years
 3 from the time of registering the title thereof, in the manner
 4 hereinafter directed.

1 SEC. 10. That the author, inventor, or designer, if still
 2 living, or their legal representatives, if they be dead, or the
 3 assigns of said author, inventor, or designer, shall have the
 4 same exclusive right continued for the further term of twenty
 5 years, upon recording the title of the work or description of
 6 the article so secured a second time, and complying with all
 7 other regulations in regard to original copyright, within six
 8 months before the expiration of the first term. And such
 9 person or persons shall, within three months from the date of
 10 said renewal, cause a copy of the record thereof to be pub-

11 lished once a week in one or more newspapers printed in the
12 United States, for the space of four consecutive weeks.

1 SEC. 11. That copyrights shall be assignable in law by
2 an instrument of writing, signed by the assignor and ac-
3 knowledged in the presence of two witnesses before a notary
4 public or some officer authorized to take acknowledgments
5 of deeds, and such assignment shall be recorded in a book to
6 be kept for that purpose in the office of the commissioner of
7 copyrights, within sixty days after its execution; in default
8 of which it shall be void as against any subsequent purchaser
9 or mortgagee for a valuable consideration, without notice.

1 SEC. 12. That no person shall be entitled to a copyright
2 unless he shall, on or before the day of publication deliver at
3 the office of the commissioner of copyrights, or deposit in
4 the mail within the United States, addressed to the commis-
5 sioner of copyrights, at Washington, District of Columbia, a
6 printed copy of the title of the book, periodical, map, chart,
7 dramatic or musical composition, engraving, cut, print, photo-
8 graph, chromo, or lithograph, or a description of the painting,
9 drawing, statue, statuary, or a model or design for a work of
10 the fine arts, for which he desires a copyright; nor unless he
11 shall also, not later than the day of publication thereof, deliver
12 at the office of the commissioner of copyrights, at Washington,
13 District of Columbia, or deposit in the mail within the United
14 States, addressed to the commissioner of copyrights, at

15 Washington, District of Columbia, two complete
16 copies of such copyright book, periodical, map, chart,
17 dramatic or musical composition, engraving, cut,
18 print, photograph, chromo, or lithograph, or in case of a
19 painting, drawing, statue, statuary, model or design for a
20 work of the fine arts, a photograph of the same: *Provided*,
21 That in the case of a book, periodical, map, chart, dramatic
22 or musical composition, engraving, cut, or print, the two
23 copies of the same required to be delivered or deposited as
24 above, shall be printed from type set within the limits of the
25 United States, or from plates made therefrom, or from engraved
26 plates made within the limits of the United States, or from
27 transfers made therefrom: *Provided further*, That in the case
28 of a chromo or lithograph the two copies of the same required
29 to be delivered or deposited as above shall be printed from
30 drawings on stone made within the limits of the United States,
31 or from transfers made therefrom; and in the case of a photo-
32 graph, the two copies of the same required to be delivered or
33 deposited as above shall be printed from negatives made within
34 the limits of the United States.

1 SEC. 13. That no certificate of registration or certificate
2 of copyright shall be issued to a citizen of the United States
3 of America for any book, periodical, map, chart, dramatic or
4 musical composition, or other article, unless the application is
5 accompanied by an affidavit setting forth the fact that the type

6 was set or the plates engraved, or the article manufactured
7 within the limits of the United States according to the pro-
8 visions of this Act.

1 SEC. 14. That it shall be unlawful, during the existence of
2 such copyright, for any person to import into the United States,
3 sell, offer to sell, or expose to sale, any book, periodical, map,
4 chart, dramatic or musical composition, chromo, photograph,
5 or lithograph, so copyrighted, or any edition or editions
6 thereof, or any plates of the same made from type set outside
7 the limits of the United States, or from engraved plates, or
8 from negatives, or from drawings on stone made outside the
9 limits of the United States. Any person violating this Act
10 shall be guilty of a misdemeanor, and upon conviction shall
11 be fined not less than fifty nor more than one hundred dollars
12 for each and every offense, one-half to be paid to the informer
13 and one-half to the Treasury of the United States of America.

1 SEC. 15. That it shall be unlawful for any person within
2 the limits of the United States, to buy, purchase, bargain, or
3 barter for any book, periodical, map, chart, dramatic or musi-
4 cal composition, photograph, chromo, or lithograph, so copy-
5 righted and printed from type set or from plates made there-
6 from, or from engraved plates, or transfers made therefrom, or
7 from negatives, or from drawings on stone, or from transfers
8 made therefrom, made outside the limits of the United States.
9 Any person violating this Act shall be guilty of a misde-

10 meanor, and upon conviction shall be fined not less than one
11 nor more than twenty-five dollars for each and every copy of
12 such book, periodical, map, chart, dramatic or musical com-
13 position, photograph, chromo, or lithograph found in their
14 possession, one-half to be paid to the informer and one-half
15 to the Treasury of the United States of America: *Provided,*
16 *nevertheless,* That in the case of books in foreign languages,
17 of which only translations in English are copyrighted, the
18 prohibition of importation shall apply only to the translation
19 of the same; and the importation of the books in the original
20 language shall be permitted.

1 SEC. 16. That any package, bundle, roll, or parcel of what-
2 ever description imported into the United States, that shall,
3 upon inspection by the postal or custom-house officials, be
4 found to contain a copy, or copies, of any copyrighted article,
5 in violation of this Act, such package, bundle, roll, or parcel
6 shall be seized by the Government authorities and its entire
7 contents immediately forwarded to the copyright department
8 at Washington, District of Columbia, and there forthwith be
9 totally destroyed.

1 SEC. 17. That the name of every title for registration,
2 when accompanied by the requisite fee (fifty cents) and affi-
3 davit (one affidavit will be sufficient for several titles, if they
4 are all received in one package) shall, as soon as received by
5 the commissioner of copyrights, be recorded in a book to be

6 kept for that purpose, in the following words: Be it remem-
 7 bered that on the day of , eighteen , [here
 8 insert name] a citizen of the United States of America,
 9 residing at [insert name of place], in the State of [insert
 10 name of State], hath deposited in this office the title of a [book,
 11 map, or otherwise, as the case may be, or the description of
 12 the article], the title or description of which is in the follow-
 13 ing words, to-wit: [here insert the title or description, which
 14 must include the name of the author, inventor, or designer,
 15 as the case may be, and if possible the name of the publisher
 16 or manufacturer, as the case may be], and the commissioner
 17 of copyrights shall issue to the party entitled thereto a cer-
 18 tificate of registration, which shall be null and void at the
 19 expiration of one year from date unless the provisions of this
 20 Act have been strictly complied with. The certificate of
 21 registration shall be in the following words:

22 Certificate of registration.

23 Number .

24 Office of the Commissioner of Copyrights,

25 Washington, District of Columbia,

26 United States of America.

27 Be it remembered that on the day of ,
 28 anno Domini eighteen hundred , [here insert name], a
 29 citizen of the United States of America, residing at [here

30 name of place], in the State of [name of State], has complied
 31 with the law relating to the registration of titles, and has
 32 deposited in this office the title of a [book, map, chart, or
 33 otherwise, as the case may be, or the description of the
 34 article], the title or description of which is in the following
 35 words, to wit: [Here insert the title or description, which
 36 must include the name of the author, inventor, or designer,
 37 as the case may be, and if possible the name of the pub-
 38 lisher or manufacturer.] The above title is duly recorded in
 39 book , page , of the record division of copy-
 40 rights, and will be null and void one year from this date if
 41 the provisions of this Act are not strictly complied with.

42 [SEAL.]

[Chief sign here.]

43 Chief Clerk Division of Records.

1 SEC. 18. That whenever a copyright shall have been
 2 completed by depositing in the office of the commissioner of
 3 copyrights the two copies required by law to be so deposited,
 4 the fact shall be immediately recorded in a book to be kept
 5 for that purpose, and one copy shall be filed in the copyright
 6 department, which shall not under any circumstances be
 7 removed therefrom; and one copy shall be filed with the
 8 Librarian of Congress for the use and benefit of the Library.
 9 The commissioner of copyrights shall acknowledge, without
 10 seal the receipt and filing of the two complete copies; and, only
 11 upon receipt of an additional fee (fifty cents) shall he issue a

12 certificate of copyright. No action for infringement of a
13 copyright shall be maintained unless a certificate of copyright
14 shall have been issued for the same previous to the bringing
15 of such action. The certificate of copyright shall be in the
16 following words :

17 Certificate of copyright.

18 Number .

19 Office of the Commissioner of Copyrights,

20 Washington, District of Columbia,

21 United States of America.

22 Be it remembered that on the day of , anno

23 Domini, eighteen hundred and , [here insert name] a citi-

24 zen of the United States of America, residing at [insert name

25 of place], in the State of [insert name of State], has

26 complied with the law by depositing in this office two

27 complete copies of a [book, map, chart, or otherwise, as the

28 case may be, or the description of the article], the title or de-

29 scription of which was duly registered and recorded in book

30 , page , of the record division, on the

31 day of , anno Domini eighteen hundred and , in the

32 following words, to wit: [here insert the title or description,

33 which must include the name of the author, inventor, or de-

34 signer, as the case may be, and also the name of the pub-

35 lisher or manufacturer], the right whereof he [she or they, as

36 the case may be] claim as [author, proprietor, or otherwise,

37 as the case may be], in conformity with the laws of the
38 United States of America respecting copyrights.

39 [SEAL.] [Commissioner sign here.],
40 Commissioner of Copyrights.

41 [Chief clerk sign here.]

42 Chief Clerk, Division of Records.

1 SEC. 19. That the commissioner of copyrights shall re-
2 ceive from the persons to whom the services designated are
3 rendered the following fees: For registering and recording
4 the title or description of any article, fifty cents; for every
5 certificate of copyright, under seal, issued to the person claim-
6 ing to be the proprietor thereof, or his assigns, fifty cents; for
7 recording and certifying any instrument of writing for the
8 assignment of a copyright, one dollar; for every copy of an
9 assignment, one dollar. All fees so received shall be depos-
10 ited in the Treasury of the United States, as provided for in
11 section five of this Act.

1 SEC. 20. That it shall be the duty of the commissioner
2 of copyrights to furnish to the Secretary of the Treasury
3 copies of the registered titles of all books, musical composi-
4 tions, and other articles wherein the copyright has been com-
5 pleted by the deposit of two complete copies of such book or
6 musical composition printed from type set or from engraved
7 plates made within the limits of the United States, in accord-
8 ance with section twelve of this Act, and by deposit of two

9 copies of such other article made or produced in the United
10 States; and the Secretary of the Treasury shall prepare
11 and print, on Saturday of each week, catalogues of such title
12 entries for the use of collectors of customs of the United
13 States and the postmasters of all post-offices receiving foreign
14 mails; and such weekly lists shall be furnished to any person
15 desiring them at a sum not exceeding their net cost; and the
16 Postmaster-General is hereby required to make and enforce
17 such rules and regulations as shall prevent the importation
18 into the United States, except upon the conditions specified
19 in this Act, of all articles prohibited by this law.

1 SEC. 21. That the proprietor of every copyright book
2 or other article shall deliver at the office of the commissioner
3 of copyrights, or deposit in the mail addressed to the com-
4 missioner of copyrights, at Washington, District of Columbia,
5 a copy of every subsequent edition wherein any substantial
6 changes shall be made: *Provided, however,* That the altera-
7 tions, revisions, and editions made to books by foreign authors,
8 heretofore published, of which new editions shall appear sub-
9 sequently to the taking effect of this Act, shall be held and
10 deemed capable of being copyrighted as above provided for
11 in this Act, unless they form a part of the series in course of
12 publication at the time this Act shall take effect.

1 SEC. 22. That for every failure on the part of the holder
2 of a duly recorded certificate of registration to deliver or de-

3 posit in the mail either of the published copies or descrip-
 4 tion or photograph required by section twelve, the holder of
 5 such certificate shall be liable to a penalty of one hundred
 6 dollars, to be recovered by the commissioner of copyrights,
 7 in the name of the United States, in an action in the nature
 8 of an action of debt, in any district court of the United States
 9 within the jurisdiction of which the delinquent may reside
 10 or be found; and district attorneys shall, on complaint of
 11 the commissioner of copyrights, bring suit under such rules
 12 and regulations as the Attorney-General of the United States
 13 may provide.

1 SEC. 23. That the postmaster to whom such copyright
 2 book, title, or other article is delivered shall give a receipt
 3 therefor, and when so delivered he shall mail it to its desti-
 4 nation.

1 SEC. 24. That no person shall maintain an action for the
 2 infringement of his copyright unless he shall give notice
 3 thereof by inserting in the several copies of every edition pub-
 4 lished, on the title page, or the page immediately following
 5 if it be a book, or if a map, chart, musical composition, print,
 6 cut, engraving, photograph, painting, drawing, chromo, statue,
 7 statuary, or model or design intended to be perfected and
 8 completed as a work of the fine arts, by inscribing upon
 9 some visible portion thereof, or on the substance on which the
 10 same shall be mounted, the following words, namely:

11 "Entered according to the Act of Congress in the year eight-
12 een hundred and , by [here insert the name of the per-
13 son or firm] of [here insert the residence], in the office of the
14 commissioner of copyrights, at Washington, District of
15 Columbia, United States of America." Or, if preferred, the
16 following form may be used, thus: "Copyright, eighteen hun-
17 dred and , by [here insert name of the person or firm],
18 of [here insert residence], United States of America."

1 SEC. 25. That every person who shall insert or impress
2 a copyright notice, or words of the same purport, in or upon
3 any article, whether such article be subject to copyright or
4 otherwise, for which he has not obtained a copyright, shall
5 be liable to a penalty of two hundred dollars, recoverable
6 one-half for the person who shall sue for such penalty and
7 one-half for the use of the United States.

1 SEC. 26. That every person who, after the recording of
2 the title of any book and the depositing of the two copies of
3 such book as provided by this Act, shall, contrary to the pro-
4 visions of this Act, within the term limited, and without the
5 consent of the proprietor of the copyright first obtained in
6 writing, signed in the presence of two or more witnesses, and
7 acknowledged before a notary public, as provided by section
8 eleven of this Act, print, publish, dramatize, translate, or
9 import, or knowing the same to be so published, dramatized,
10 translated, or imported, shall sell or expose to sale any copy

11 of such book, shall also forfeit every copy thereof to such
 12 proprietor, and shall also forfeit and pay such damages as
 13 may be recovered in a civil action by such proprietor in any
 14 court of competent jurisdiction.

1 SEC. 27. That if any person, after the recording of the
 2 title of any map, chart, dramatic or musical composition, print,
 3 cut, engraving, photograph, or chromo, or of the description
 4 of any painting, drawing, statue, statuary, or model or design
 5 intended to be perfected and executed as a work of the fine
 6 arts, as provided by this Act, shall, within the terms limited,
 7 contrary to the provisions of this Act, and without the con-
 8 sent of the proprietor of the copyright first obtained in writ-
 9 ing, signed in presence of two or more witnesses, and
 10 acknowledged before a notary public, engrave, etch, work,
 11 copy, print, publish or cause to be printed or published,
 12 dramatize, translate, or import, either in whole or in part, or
 13 by varying the main design with intent to evade the law, or,
 14 knowing the same to be so printed, published, dramatized,
 15 translated, or imported, shall sell or expose to sale any copy
 16 of such map or other article as aforesaid, he shall forfeit to the
 17 proprietor all the plates on which the same shall be copied and
 18 every sheet thereof, either copied or printed, and shall further
 19 forfeit one dollar for every copy of the same, either printing,
 20 printed, copied, published, imported, sold, or exposed for sale;
 21 and in case of a painting, statue, or statuary, he shall forfeit ten

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22 dollars for every copy of the same in his possession, or by
23 him sold or exposed for sale, one-half thereof to the proprie-
24 tor and the other half to the use of the United States: *Pro-*
25 *vided, however,* That the total sum to be recovered in any
26 action hereafter brought under the provisions of this section
27 shall not in any case be less than one hundred dollars nor
28 more than five thousand dollars, excepting that in cases of
29 paintings, statue, or statuary it shall not be less than two
30 hundred and fifty dollars nor more than ten thousand dollars.

1 SEC. 28. That any person publicly performing or rep-
2 resenting any dramatic or operatic composition for which a
3 copyright has been obtained, without the consent of the pro-
4 prietor of said dramatic or operatic composition, or his heirs
5 or assigns, shall be liable for damages therefor, such damages
6 in all cases to be assessed at such sum, not less than one hun-
7 dred dollars for the first and fifty dollars for every subsequent
8 performance, as to the court shall appear to be just; and if it
9 be determined that such unlawful performing the representa-
10 tion was willful and for profit, in addition thereto such person
11 or persons shall be guilty of a misdemeanor and liable to
12 imprisonment for a period not exceeding one year. Any in-
13 junction that may be granted by any circuit court of the United
14 States, or by any judge thereof, restraining and enjoining the
15 performance or representation of any such dramatic or oper-
16 atic composition may be served on the parties against whom

17 such injunction may be granted anywhere in the United
 18 States, and shall be operative and may be enforced by pro-
 19 ceedings to punish for contempt or otherwise by any other
 20 circuit court or judge in the United States, but the defendants
 21 in said action, or any or either of them, may make a motion
 22 in any other circuit in which he or they may be engaged in
 23 performing or representing said dramatic or operatic compo-
 24 sition to dissolve or set aside the said injunction upon such
 25 reasonable notice to the plaintiff as the circuit court or the
 26 judge before whom said motion shall be made shall deem
 27 proper, service of said motion to be made on the plaintiff in
 28 person or on his attorneys in the action. The circuit courts
 29 or judges thereof shall have jurisdiction to enforce said injunc-
 30 tion and to hear and determine a motion to dissolve the same,
 31 as herein provided, as fully as if the action were pending or
 32 brought in the court in which said motion is made.

33 The clerk of the court or judge granting the injunction
 34 shall, when required to do so by the court hearing the appli-
 35 cation to dissolve or enforce said injunction, transmit without
 36 delay to said court a certified copy of all the papers on which
 37 said injunction was granted that are on file in his office.

1 SEC. 29. That every person who shall print or publish
 2 any manuscript whatever without the consent of the pro-
 3 prietor first obtained shall be liable to the proprietor for all
 4 damages occasioned by said injury.

1 SEC. 30. That in all actions arising under the laws
2 respecting copyrights the defendant may plead the general
3 issue, and give the special matter in evidence.

1 SEC. 31. That the circuit courts, and district courts hav-
2 ing the jurisdiction of circuit courts, shall have power, upon
3 bill in equity, filed by any party aggrieved, to grant injunc-
4 tions to prevent the violation of any rights secured by the
5 laws respecting copyrights, according to the course and
6 principles of courts of equity, on such terms as the court may
7 deem reasonable.

1 SEC. 32 That in the construction of this Act the words
2 "engraving," "cut," and "print" shall be applied only to
3 pictorial illustrations or works connected with the fine arts,
4 and no prints or labels designed to be used for any articles
5 of manufacture shall be entered under the copyright law, but
6 may be registered in the Patent Office. And the Commis-
7 sioner of Patents is hereby charged with the supervision and
8 control of the entry or registry of such prints and labels, in
9 conformity with the regulation provided by law as to copy-
10 rights or prints, except there shall be paid for recording the
11 title of any print or label, not a trade-mark, six dollars,
12 which shall cover the expense of furnishing a copy of the
13 record, under the seal of the Commissioner of Patents, to the
14 party entering the same.

1 SEC. 33. That for the purpose of this Act such volume

2 of a book in two or more volumes, when such volumes are
3 published separately, and the first one shall not have been
4 issued before this Act shall take effect; and each number of
5 a periodical shall be considered an independent publication,
6 subject to the form of copyrighting as above.

1 SEC. 34. That section forty-nine hundred and sixty-
2 eight of the Revised Statutes be, and the same is hereby,
3 repealed.

1 SEC. 35. That this Act shall go into effect on the first
2 day of July, anno Domini eighteen hundred and ninety-six.

1 SEC. 36. That all acts and parts of acts inconsistent
2 with the provisions of this Act be, and the same are hereby,
3 repealed.